IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 639 of 1997

Between:

T. A. Jaya Sagar, son of T.R.Aaron
T/Mechanic (Gr-1), APSRTC Mahaboobnagar Depot
r/o1-2-48, Christian Colony, Mahabubnagar District.

..... PETITIONER

AND

1. The Divisional Manager,
   Andhra Pradesh State Road Transport Corporation,
Mahabubnagar Division, Mahabubnagar District.
2. The Reginoal Manager,
   Andhra Pradesh State Road Transport Corporation,
Mahabubnagar Division, Mahabubnagar District.
3. A. Balaraju, Grade-I Mechanic,
   O/of Divisional Manager, APSRTC., Mahabubnagar.
4. K. Balanarayana, Grade-I Mechanic,
   O/of Divisional Manager, APSRTC Mahabubnagar.
5. Mohd. Jahangir, Grade-I Mechanic,
   O/of Divisional Manager, APSRTC Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction particularly one in the nature of Mandamus declaring that the action of the respondents 1 and 2 in fixing seniority in mechanic Grade-1 of Seniority list dated 06/03/1993 at serial No. 37 and in the Mechanic Gr-1 Seniority list dated 21/03/1995 at serial No. 32 is highly arbitrary bad and illegal. Consequently direct the respondent 2 and 3 to fix the seniority of the petitioner in mechanic Gr-1 Seniority list after T.V.Kumar whose serial Numbers is 33 in the seniority list dated 06-03/1993 and 28 in the seniority list dated 21/03/1995 i.e., The petitioner position will be at serial No. 34 in the seniority dated 06/03/1993 to 27 in the seniority list dated 21/03/1995.

Counsel for the Petitioner: MR. KUSURI SATYANARAYANA

Counsel for the Respondents 1 and 2: MR.P.VINAYAKA SWAMY

The Court made the following:

ORDER:

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This writ petition is filed by the petitioner aggrieved by the action of the official respondents in not rectifying his seniority above the un-official
respondents 3 to 5.

2. According the petitioner as per the provisional seniority list dated 01-08-1990 of Mechanic Grade-II the petitioner was shown at Sl.No.14 while un-official respondents were shown at Sl.Nos.15 to 17. But, however, subsequently the petitioner was promoted along with the
un-official respondents and others to Mechanic Grade-I. The petitioner was placed at Sl.No.17 while the un-official respondents were placed at Sl.Nos.14 to 16, which according to him is illegal and not in accordance with the original seniority of the petitioner. It is stated that the petitioner made representation dated 09-05-1995 stating that he was shown in the seniority list of Mechanic Grade-II at Sl.No.14 immediately after one
Sri T. V. Kumar. But subsequently it was altered without giving any notice and opportunity to the petitioner. Further, even the representation made by the petitioner dated 09-05-1995 was rejected without giving opportunity and without passing a speaking order bringing on record all the facts relevant to the seniority of the petitioner vis-à-vis un-official
respondents 3 to 5. The learned Standing Counsel has come up with another proceedings dated 07-09-1995, said to have been passed considering the representation of the petitioner. Even in the said order also it is not very clear how the claim of the petitioner was considered and rejected.

3. Under the above circumstances, the impugned order dated 16-07-1995 and 07-09-1995 are set aside and the respondent-Corporation is directed to pass appropriate orders with reference to the representation of the petitioner as to his seniority after giving him an opportunity of being heard and pass an order bringing out all the relevant facts on record. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. The writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J

Dt.14-10-2004

Glv/kvh

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The Divisional Manager,
   Andhra Pradesh State Road Transport Corporation,
Mahabubnagar Division, Mahabubnagar District.
2. The Reginoal Manager,
   Andhra Pradesh State Road Transport Corporation,
Mahabubnagar Division, Mahabubnagar District.
3. Two CD copies.